

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 8-11-6a and by adding Section 8-11-6c as
6 follows:

7 (65 ILCS 5/8-11-6a) (from Ch. 24, par. 8-11-6a)

8 Sec. 8-11-6a. Home rule municipalities; preemption of
9 certain taxes. Except as provided in Sections 8-11-1, 8-11-5,
10 8-11-6, 8-11-6b, 8-11-6c, and 11-74.3-6 on and after September
11 1, 1990, no home rule municipality has the authority to impose,
12 pursuant to its home rule authority, a retailer's occupation
13 tax, service occupation tax, use tax, sales tax or other tax on
14 the use, sale or purchase of tangible personal property based
15 on the gross receipts from such sales or the selling or
16 purchase price of said tangible personal property.
17 Notwithstanding the foregoing, this Section does not preempt
18 any home rule imposed tax such as the following: (1) a tax on
19 alcoholic beverages, whether based on gross receipts, volume
20 sold or any other measurement; (2) a tax based on the number of
21 units of cigarettes or tobacco products (provided, however,
22 that a home rule municipality that has not imposed a tax based
23 on the number of units of cigarettes or tobacco products before

1 July 1, 1993, shall not impose such a tax after that date); (3)
2 a tax, however measured, based on the use of a hotel or motel
3 room or similar facility; (4) a tax, however measured, on the
4 sale or transfer of real property; (5) a tax, however measured,
5 on lease receipts; (6) a tax on food prepared for immediate
6 consumption and on alcoholic beverages sold by a business which
7 provides for on premise consumption of said food or alcoholic
8 beverages; or (7) other taxes not based on the selling or
9 purchase price or gross receipts from the use, sale or purchase
10 of tangible personal property. This Section is not intended to
11 affect any existing tax on food and beverages prepared for
12 immediate consumption on the premises where the sale occurs, or
13 any existing tax on alcoholic beverages, or any existing tax
14 imposed on the charge for renting a hotel or motel room, which
15 was in effect January 15, 1988, or any extension of the
16 effective date of such an existing tax by ordinance of the
17 municipality imposing the tax, which extension is hereby
18 authorized, in any non-home rule municipality in which the
19 imposition of such a tax has been upheld by judicial
20 determination, nor is this Section intended to preempt the
21 authority granted by Public Act 85-1006. This Section is a
22 limitation, pursuant to subsection (g) of Section 6 of Article
23 VII of the Illinois Constitution, on the power of home rule
24 units to tax.

25 (Source: P.A. 93-1053, eff. 1-1-05.)

1 (65 ILCS 5/8-11-6c new)

2 Sec. 8-11-6c. Home Rule food and beverage tax to support
3 parking facilities.

4 (a) In addition to any other tax that it is authorized to
5 impose, a home rule municipality that has not imposed a tax
6 under Section 8-11-1 or 8-11-5 may impose a tax, as limited by
7 this Section, on the gross receipts from the sale of alcoholic
8 beverages, soft drinks, and food that has been prepared for
9 immediate consumption.

10 (b) If imposed, the tax may be imposed only for a defined
11 and limited period of time and must be limited to a defined
12 geographic area within the municipality. The defined
13 geographic area must be a contiguous area of no more than one
14 square mile. The tax may be imposed only in 0.25% increments,
15 and the rate of tax may not exceed 2%. At the time that the
16 ordinance imposing the tax is adopted, the municipality must
17 have obtained the certified written consent of at least
18 three-fourths of the operators of the businesses upon which the
19 tax will be imposed. This tax may not be imposed for longer
20 than 25 years after the municipality first levies the tax.

21 (c) The municipality must maintain the proceeds of the tax
22 in a separate account and may use those moneys only for the
23 costs associated with land acquisition, design, construction,
24 and maintenance of parking facilities within the defined
25 geographic area.

26 (d) The tax shall be administered by the municipality

1 imposing it.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.